

Notice of Allowability

Application No.

09/938,023

Examiner

Kaveh Abrishamkar

Applicant(s)

BUCHHEIT ET AL.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on June 5, 2006.
2. ☒ The allowed claim(s) is/are 35-48.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CHRISTOPHER REVAK
PRIMARY EXAMINER

CJ 8/21/06

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Martin on August 21, 2006.

The application has been amended as follows:

Claim 35 (Currently Amended):

A computer-readable medium comprising a procedure for the protection of information comprising at least one of computer software and computer readable data on a computer of a licensee of said information comprising:

furnishing a protective device to said licensee of said information directly or indirectly from a producer of said device, said device being operably connected to said computer of said licensee;

furnishing a Firm Code by said producer to a licensor of said information;

storing a Private Box Key in said device defined by and known only to said producer to certify said device as being one which is authentic from said producer;

causing said device to generate a Private Serial Key stored in said device to define said device with respect to another one of said device;

transmitting a Firm Common Key from said producer to said licenser, said Firm Common Key being determined by said Firm Code, said Firm Common Key providing for said licenser to transfer license parameters of a license for said information to said licensee;

defining a Secret Firm Key by said licenser and which is known only to said licenser;

transmitting said Secret Firm Key to said device for storage in said device;

causing said device to generate a Public Box Key from said Private Box Key and a Public Serial Key from said Private Serial Key;

transmitting said Public Box Key and said Public Serial Key to said licenser;

generating license parameters by said licenser using said Firm Code, said Secret Firm Key and said Firm Common Key;

encoding said licenser parameters by said licenser using said Public Box Key and said Public Serial Key and transmitting said license parameters to said device;

causing said device to decode said licenser parameters using said Private Box Key and said Private Serial Key;

encoding said information by said licenser with said Secret Firm Key and transmitting said information to said licensee for storage on a data medium of said licensee; and

decoding said information using said Secret Firm Key stored in said device.

Claim 36 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35
including the steps of:

validating a matching of said Firm Code and said Firm Common Key with said
Private Box Key and said Private Serial Key.

Claim 37 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35
including the steps of:

using said Firm Code in combination with said Secret Firm Key to provide the
encoding and decoding of said information.

Claim 38 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35
including the steps of:

defining a User Code by said licensor;
transferring said User Code to said device; and
causing said User Code to encode and decode said information in combination
with said Secret Firm Key and said Firm Code.

Claim 39 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35 including the steps of:

defining a Serial Number by said producer and assigned to said device and adding said Serial Number to said Public Box Key and said Public Serial Key for further identifying said device.

Claim 40 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35 wherein:

generating said Private Serial Key randomly by said device, said Private Serial Key being known only to said device.

Claim 41 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35 wherein:

said device includes a limiter feature secure against manipulation that limits at least one of the time period of said license and the number of decodings of said information.

Claim 42 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 35 wherein:

said device is provided to include:

- an interface for connection with said computer of said licensee;
- a microprocessor;
- a nonvolatile memory in which said license parameters are stored;
- an encoder and decoder connected to said interface for the automatic decoding of said information dependent on said stored license parameters; and
- means operable for generating said Private Serial Key.

Claim 43 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 42 including the step of:

- providing said memory to include plural memory areas for storage of license parameters provided by plural different licensors.

Claim 44 (Currently Amended):

The computer-readable medium comprising the procedure set forth in Claim 42 including the steps of:

- providing said microprocessor, said memory, said encoder, said decoder, and said means for generating said Private Serial Key on a single integrated semiconductor circuit.

REASONS FOR ALLOWANCE

1. Claims 35-48 are allowed, claims 13-34 are cancelled by virtue of the amendment filed on June 5, 2006, and claims 1-12 were cancelled by virtue of a preliminary amendment.
2. The following is an examiner's statement of reasons for allowance:
3. The above mentioned claims are allowable over prior arts because the Cited Prior Art (CPA) of record fails to teach or render obvious the claimed limitations as recited in the independent claims 35 and 45, and subsequent dependent claims.
4. The CPA, Cohen (U.S. Patent 6,233,567), teaches a software registration process which supplies an identifier to a client, and generating a key based on the identifier, and providing the client with the registration key. The CPA does not teach the newly added limitations of claims 35 and 45, which are directed to a procedure for protecting software wherein a protective device (provided by a producer of the device) interacts with a licensor of said software and a licensee of the software by the producer of the device providing a firm code to the licensor of the software, and a private box key is then stored in the device which is only known to the producer, and a secret firm key is defined by the licensor and sent to the device for storage. The CPA does not teach this procedure of creating and exchanging keys between the producer of the device, the licensor, and the licensee as delineated by new independent claims 35 and 45.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KA ^{KM}
08/11/2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

 8/21/06